



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1389/P1
PJK&GMM:cjs:md

P2

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DOA:.....Grimsrud, BB0363 - Wisconsin Shares local administration
FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

(in 1-28)

do not
get cut

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, a child care provider, other than a day care center licensed by DCF or established or contracted by a school board, must be certified by a county department of human services or social services before the child care provider may receive reimbursement for child care services provided to a family that is eligible for a child care subsidy under the Wisconsin Works (W-2) program. This bill permits DCF to contract with a W-2 agency, child care resource and referral agency, or other agency to certify child care providers in a particular geographic area or for a particular Indian tribal unit for purposes of reimbursement under the W-2 program.

WISCONSIN WORKS

The Wisconsin Works (W-2) program under current law, which is administered by DCF, provides work experience and benefits for low-income custodial parents who are at least 18 years old. Also, an individual who is the parent of a child under the age of 13 or, if the child is disabled, under the age of 19, may receive a child care subsidy under W-2 if the individual needs child care services to participate in various educational or work activities and satisfies other eligibility criteria. Under current law, W-2 agencies determine an individual's eligibility for a child care subsidy and then refer the individual to a county department of social services or

(county department)

human services for locally administering child care assistance, including determining the amount of the copayment the individual must pay, providing a voucher for payment of child care services, and assisting individuals to identify child care providers and select appropriate child care arrangements. The bill authorizes DCF to contract with a county, W-2 agency, child care resource and referral agency, or other agency to determine eligibility of individuals residing in a particular geographic area or who are members of a particular Indian tribal unit for a child care subsidy and to administer child care assistance at the local level. Current law also provides that the cost to administer the program may not exceed the greatest of 5 percent of the total distributed in the current year for child care services, 5 percent of the total distributed in the previous year for child care services, or \$20,000. The bill modifies this so that the department must allocate at least \$20,000 per year to each contract for administrative responsibilities in each county or Indian tribal unit that is a service region.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 48.651 (1) (intro.) of the statutes is amended to read:

48.651 (1) (intro.) Each county department shall certify No person, other than a day care center licensed under s. 48.65 or established or contracted for under s. 120.13 (14), may receive reimbursement for providing child care services for an individual who is determined eligible for a child care subsidy under s. 49.155 unless the person is certified, according to the standards adopted by the department under s. 49.155 (1d), each day care provider reimbursed for child care services provided to families determined eligible under s. 49.155, unless the provider is a day care center licensed under s. 48.65 or is established or contracted for under s. 120.13 (14). Each county may charge a fee to cover the costs of certification by a county department or an agency with which the department contracts under sub. (2). To be certified under this section, a person must meet the minimum requirements for certification established by the department under s. 49.155 (1d), meet the requirements specified

1 in s. 48.685, and pay the fee specified in this section. ~~The county sub. (2).~~ A county
2 department or agency contracted with under sub. (2) shall certify the following
3 categories of day care providers:

4 **SECTION 2.** 48.651 (1) (a) of the statutes is amended to read:

5 48.651 (1) (a) Level I certified family day care providers, as established by the
6 department under s. 49.155 (1d). No county or agency contracted with under sub.
7 (2) may certify a provider under this paragraph if the provider is a relative of all of
8 the children for whom he or she provides care.

9 **SECTION 3.** 48.651 (2) of the statutes is created to read:

10 48.651 (2) A county department shall certify day care providers under sub. (1)
11 or the department may contract with a Wisconsin Works agency, as defined in s.
12 49.001 (9), child care resource and referral agency, or other agency to certify day care
13 providers under sub. (1) in a particular geographic area or for a particular Indian
14 tribal unit. A county department that certifies day care providers under sub. (1) may
15 charge a fee to cover the costs of certifying those providers. An agency contracted
16 with under this subsection may charge a fee specified by the department to
17 supplement the amount provided by the department under the contract for certifying
18 day care providers.

19 **SECTION 4.** 48.651 (2m) of the statutes is amended to read:

20 48.651 (2m) Each county department or agency contracted with under sub. (2)
21 shall provide the department of health services with information about each person
22 who is denied certification for a reason specified in s. 48.685 (4m) (a) 1. to 5.

23 **SECTION 5.** 48.685 (4m) (a) (intro.) of the statutes is amended to read:

24 48.685 (4m) (a) (intro.) Notwithstanding s. 111.335, and except as provided in
25 par. (ad) and sub. (5), the department may not license, or continue or renew the

1 license of, a person to operate an entity, a county department or agency contracted
2 with under s. 48.651 (2) may not certify a day care provider under s. 48.651, a county
3 department or a child welfare agency may not license, or renew the license of, a foster
4 home or treatment foster home under s. 48.62, and a school board may not contract
5 with a person under s. 120.13 (14), if the department, county department, contracted
6 agency, child welfare agency, or school board knows or should have known any of the
7 following:

8 **SECTION 6.** 48.685 (4m) (ad) of the statutes is amended to read:

9 48.685 (4m) (ad) The department, a county department, or a child welfare
10 agency may license a foster home or treatment foster home under s. 48.62, a county
11 department or agency contracted with under s. 48.651 (2) may certify a day care
12 provider under s. 48.651, and a school board may contract with a person under s.
13 120.13 (14), conditioned on the receipt of the information specified in sub. (2) (am)
14 indicating that the person is not ineligible to be licensed, certified or contracted with
15 for a reason specified in par. (a) 1. to 5.

16 **SECTION 7.** 48.685 (5) (a) of the statutes is amended to read:

17 48.685 (5) (a) Subject to par. (bm), the department may license to operate an
18 entity, a county department or agency contracted with under s. 48.651 (2) may certify
19 under s. 48.651, a county department or a child welfare agency may license under
20 s. 48.62, and a school board may contract with under s. 120.13 (14) a person who
21 otherwise may not be licensed, certified, or contracted with for a reason specified in
22 sub. (4m) (a) 1. to 5., and an entity may employ, contract with, or permit to reside at
23 the entity a person who otherwise may not be employed, contracted with, or
24 permitted to reside at the entity for a reason specified in sub. (4m) (b) 1. to 5., if the
25 person demonstrates to the department, the county department, the contracted

1 agency, the child welfare agency, or the school board or, in the case of an entity that
2 is located within the boundaries of a reservation, to the person or body designated
3 by the tribe under sub. (5d) (a) 3., by clear and convincing evidence and in accordance
4 with procedures established by the department by rule or by the tribe that he or she
5 has been rehabilitated.

6 **SECTION 8.** 48.685 (5m) of the statutes is amended to read:

7 48.685 **(5m)** Notwithstanding s. 111.335, the department may refuse to license
8 a person to operate an entity, a county department or a child welfare agency may
9 refuse to license a foster home or treatment foster home under s. 48.62, and an entity
10 may refuse to employ or contract with a caregiver or permit a nonclient resident to
11 reside at the entity if the person has been convicted of an offense that is not a serious
12 crime, but that is, in the estimation of the department, county department, child
13 welfare agency, or entity, substantially related to the care of a client.
14 Notwithstanding s. 111.335, the department may refuse to license a person to
15 operate a day care center, a county department or agency contracted with under s.
16 48.651 (2) may refuse to certify a day care provider under s. 48.651, a school board
17 may refuse to contract with a person under s. 120.13 (14), a day care center that is
18 licensed under s. 48.65 or established or contracted for under s. 120.13 (14), and a
19 day care provider that is certified under s. 48.651 may refuse to employ or contract
20 with a caregiver or permit a nonclient resident to reside at the day care center or day
21 care provider if the person has been convicted of or adjudicated delinquent on or after
22 his or her 12th birthday for an offense that is not a serious crime, but that is, in the
23 estimation of the department, county department, contracted agency, school board,
24 day care center, or day care provider, substantially related to the care of a client.

25 **SECTION 9.** 48.685 (6) (a) of the statutes is amended to read:

1 48.685 (6) (a) The department shall require any person who applies for
2 issuance, continuation, or renewal of a license to operate an entity, a county
3 department or agency contracted with under s. 48.651 (2) shall require any day care
4 provider who applies for initial certification under s. 48.651 or for renewal of that
5 certification, a county department or a child welfare agency shall require any person
6 who applies for issuance or renewal of a license to operate a foster home or treatment
7 foster home under s. 48.62, and a school board shall require any person who proposes
8 to contract with the school board under s. 120.13 (14) or to renew a contract under
9 that subsection, to complete a background information form that is provided by the
10 department.

11 **SECTION 10.** 49.155 (1m) (intro.) of the statutes is amended to read:

12 49.155 (1m) ELIGIBILITY. (intro.) ~~A Wisconsin works agency shall determine~~
13 ~~eligibility for a~~ The department shall contract with a county, Wisconsin Works
14 agency, child care resource and referral agency, or other agency to determine the
15 eligibility of individuals residing in a particular geographic area or who are members
16 of a particular Indian tribal unit for child care subsidy subsidies under this section.

17 Under this section, an individual may receive a subsidy for child care for a child who
18 has not attained the age of 13 or, if the child is disabled, who has not attained the age
19 of 19, if the individual meets all of the following conditions:

20 **SECTION 11.** 49.155 (1m) (a) 4. of the statutes is amended to read:

21 49.155 (1m) (a) 4. If the ~~Wisconsin works agency~~ entity determining eligibility
22 determines that basic education would facilitate the individual's efforts to maintain
23 employment, participate in basic education, including an English as a 2nd language
24 course; literacy tutoring; or a course of study meeting the standards established by
25 the state superintendent of public instruction under s. 115.29 (4) for the granting of

Insert 6-10

Department or

Region

1 a declaration of equivalency of high school graduation. An individual may receive
2 aid under this subdivision for up to 2 years.

3 **SECTION 12.** 49.155 (1m) (a) 5. of the statutes is amended to read:

4 49.155 (1m) (a) 5. Participate in a course of study at a technical college, or
5 participate in educational courses that provide an employment skill, as determined
6 by the department, if the ~~Wisconsin works agency~~ entity determining eligibility
7 determines that the course or courses would facilitate the individual's efforts to
8 maintain employment. An individual may receive aid under this subdivision for up
9 to 2 years.

10 **SECTION 13.** 49.155 (1m) (c) 1. (intro.) of the statutes is amended to read:

11 49.155 (1m) (c) 1. (intro.) Except as provided in subds. 1g., 1h., 1m., 2., and 3.,
12 the gross income of the individual's family is at or below 185% of the poverty line for
13 a family the size of the individual's family or, for an individual who is already
14 receiving a child care subsidy under this section, the gross income of the individual's
15 family is at or below 200% of the poverty line for a family the size of the individual's
16 family. In calculating the gross income of the family, the ~~Wisconsin works agency~~
17 entity determining eligibility shall include income described under s. 49.145 (3) (b)
18 1. and 3., except that, in calculating farm and self-employment income, the
19 ~~Wisconsin works agency~~ entity determining eligibility shall include the sum of the
20 following:

21 **SECTION 14.** 49.155 (1m) (c) 1g. of the statutes is amended to read:

22 49.155 (1m) (c) 1g. If the individual is a foster parent of the child or a subsidized
23 guardian or interim caretaker of the child under s. 48.62 (5), the child's biological or
24 adoptive family has a gross income that is at or below 200% of the poverty line. In
25 calculating the gross income of the child's biological or adoptive family, the ~~Wisconsin~~

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Insert 7-17

1 ~~works agency entity~~ determining eligibility shall include income described under s.
2 49.145 (3) (b) 1. and 3.

3 **SECTION 15.** 49.155 (1m) (c) 1h. of the statutes is amended to read:

4 49.155 (1m) (c) 1h. If the individual is a relative of the child, is providing care
5 for the child under a court order, and is receiving payments under s. 48.57 (3m) or
6 (3n) on behalf of the child, the child's biological or adoptive family has a gross income
7 that is at or below 200% of the poverty line. In calculating the gross income of the
8 child's biological or adoptive family, the ~~Wisconsin works agency entity~~ determining
9 eligibility shall include income described under s. 49.145 (3) (b) 1. and 3.

10 **SECTION 16.** 49.155 (3) of the statutes is repealed and recreated to read:

11 49.155 (3) CHILD CARE LOCAL ADMINISTRATION. The ~~entity~~ with which the
12 department contracts under sub. (1m) to determine eligibility in a particular
13 geographic ~~area~~ *region* or for a particular Indian tribal unit shall administer child care
14 assistance in that geographic ~~area~~ *region* or for that tribal unit. In administering child care
15 assistance under this section, the ~~entity~~ shall do all of the following:

16 (a) Determine an individual's liability for copayments under sub. (5).

17 (b) Determine and authorize the amount of child care for which an individual
18 may receive a subsidy.

19 (c) Annually perform a survey of market child care rates, as directed by the
20 department, and determine maximum reimbursement rates, if the department so
21 directs.

22 (d) Assist individuals who are eligible for child care subsidies under this section
23 to identify available child care providers and select appropriate child care
24 arrangements.

county department or agency

(e) At intervals, or as otherwise required by the department, review and determine the continued financial and nonfinancial eligibility of individuals receiving child care subsidies under this section.

SECTION 17. 49.155 (3m) (b) of the statutes is repealed and recreated to read:

49.155 (3m) (b) 1. Subject to subds. 2. and 3., the department shall, to the extent practicable, allocate funds to ^acontracts entered into under sub. (1m) for the administration of the program under sub. (3) in the same proportion as the service region's ^{or Indian tribal unit's} proportionate share of all statewide subsidy authorizations and eligibility ^{under sub. (3)(e)} determinations ^{re}performed in the previous year. ^{Insert 9-9}

2. The department shall allocate to each contract at least \$20,000 per year for the administrative responsibilities in each county or Indian tribal unit that comprises a service region. ^{for geographic region}

3. If the department renews a contract for a subsequent year, the department shall allocate to the contract not less than 95 percent of the amount allocated to the contract in the previous year, unless the service area is not comparable or total funding available for all contracts is lower than the total amount available in the previous year.

4. The department may redistribute funds allocated to a contract among agencies paid under the contract.

SECTION 18. 253.15 (4) of the statutes is amended to read:

253.15 (4) TRAINING FOR DAY CARE PROVIDERS. Before an individual may obtain a license to operate a day care center under s. 48.65 for the care and supervision of children under 5 years of age or enter into a contract to provide a day care program under s. 120.13 (14) for the care and supervision of children under 5 years of age, the individual shall receive training relating to shaken baby syndrome and impacted

1 babies that is approved or provided by the department or that is provided by a
2 nonprofit organization arranged by the department to provide that training. Before
3 an individual may be certified under s. 48.651 as a day care provider of children
4 under 5 years of age, the individual shall receive training relating to shaken baby
5 syndrome and impacted babies that is approved or provided by the certifying county
6 department or agency contracted with under s. 48.651 (2) or that is provided by a
7 nonprofit organization arranged by that county department or contracted agency to
8 provide that training. Before an employee or volunteer of a day care center licensed
9 under s. 48.65, a day care provider certified under s. 48.651, or a day care program
10 established under s. 120.13 (14) may provide care and supervision for children under
11 5 years of age, the employee or volunteer shall receive training relating to shaken
12 baby syndrome and impacted babies that is approved or provided by the department
13 or the certifying county department or agency contracted with under s. 48.651 (2) or
14 that is provided by a nonprofit organization arranged by the department or that
15 county department or contracted agency to provide that training. The person
16 conducting the training shall provide to the individual receiving the training,
17 without cost to the individual, a copy of the written materials purchased or prepared
18 under sub. (2), a presentation of the audiovisual materials purchased or prepared
19 under sub. (2), and an oral explanation of those written and audiovisual materials.

20 (END)

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1389/P2ins
PJK:.....

INSERT 2-1

1 **SECTION 1.** 46.215 (1) (p) of the statutes is amended to read:
2 46.215 (1) (p) To establish and administer the child care program under s.
3 49.155, if the department of children and families contracts with the county
4 department of social services to do so.

History: 1971 c. 218; 1973 c. 90, 147, 333, 336; 1975 c. 39, 307, 421; 1977 c. 29, 271, 418; 1979 c. 34; 1981 c. 20 ss. 867m to 870, 2202 (20) (j); 1981 c. 81, 329; 1983 a. 27 ss. 1080, 2202 (20); 1983 a. 190 s. 7; 1983 a. 193; 1985 a. 29, 120; 1985 a. 176 ss. 322 to 332; Stats. 1985 s. 46.215; 1987 a. 27; 1987 a. 403 s. 256; 1989 a. 31, 107, 336, 359; 1991 a. 39, 274; 1993 a. 16; 1995 a. 27 ss. 2063 to 2076, 9126 (19), 9130 (4); 1995 a. 64, 77, 201, 225, 289, 352, 404, 417; 1997 a. 3, 27, 35, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 264, 388, 406; 2007 a. 20 ss. 848 to 856, 9121 (6) (a); 2007 a. 45, 96; s. 13.92 (2) (i).

5 **SECTION 2.** 46.22 (1) (b) 2. fm. of the statutes is amended to read:
6 46.22 (1) (b) 2. fm. To establish and administer the child care program under
7 s. 49.155, if the department of children and families contracts with the county
8 department of social services to do so.

History: 1971 c. 164, 218; 1973 c. 90 ss. 226, 560 (3); 1973 c. 147, 333; 1975 c. 39; 1975 c. 189 s. 99 (1), (2); 1975 c. 224 ss. 52p, 146m; 1975 c. 307, 422; 1975 c. 430 s. 78; 1977 c. 29 ss. 560, 1656 (18); 1977 c. 83 s. 26; 1977 c. 418, 449; 1979 c. 34, 221; 1981 c. 20 ss. 759 to 763m, 2202 (20) (j); 1981 c. 329; 1981 c. 390 s. 252; 1983 a. 27 s. 2202 (20); 1983 a. 190 s. 7; 1983 a. 192, 193, 447; 1985 a. 29, 120; 1985 a. 176 ss. 28, 30, 59 to 105; 1985 a. 332; 1987 a. 5, 27; 1989 a. 31, 107, 336, 359; 1991 a. 39, 274; 1993 a. 16; 1995 a. 27 ss. 2077 to 2111, 9126 (19), 9130 (4); 1995 a. 64, 77, 201, 289, 352, 404, 417; 1997 a. 3, 27, 35, 252; 1999 a. 9, 83; 2001 a. 16, 103; 2003 a. 33; 2005 a. 25, 264, 344, 388, 406; 2007 a. 20 ss. 857 to 877, 9121 (6) (a); 2007 a. 45, 96; s. 13.92 (2) (i).

(END OF INSERT 2-1)

INSERT 6-10

9 **SECTION 3.** 49.143 (2) (em) of the statutes is amended to read:
10 49.143 (2) (em) Determine eligibility for and administer child care assistance
11 under s. 49.155 and ~~refer eligible families to county departments under s. 46.215,~~
12 ~~46.22 or 46.23 for child care services,~~ if the department contracts with the Wisconsin
13 Works agency to do so.

History: 1995 a. 216, 289; 1997 a. 27, 36, 236, 318; 1999 a. 9, 32; 2001 a. 16; 2005 a. 25; 2007 a. 20.

14 **SECTION 4.** 49.155 (1) (ah) of the statutes is created to read:

Ins. 6-10 cont'd

1 49.155 (1) (ah) "County department or agency" means a county department
2 under s. 46.215, 46.22, or 46.23 or a Wisconsin Works agency, child care resource and
3 referral agency, or other agency.

(END OF INSERT 6-10)

INSERT 7-17

4 *not* county department or agency

(END OF INSERT 7-17)

INSERT 9-9

5 *not* 12-month ~~period~~ before the start of the contract period

(END OF INSERT 9-9)

INSERT 9-19

6 4. Within any contract period, the department may redistribute unexpended
7 contract balances for a county department or agency to another county department
8 or agency that reports expenditures in excess of ~~the~~ *their* original contract total for the
9 period.

(END OF INSERT 9-19)



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1389/P2
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Stays
in this room

DOA:.....Grimsrud, BB0363 - Wisconsin Shares local administration

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

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CHILDREN

Under current law, a child care provider, other than a day care center licensed by DCF or established or contracted by a school board, must be certified by a county department of human services or social services before the child care provider may receive reimbursement for child care services provided to a family that is eligible for a child care subsidy under the Wisconsin Works (W-2) program. This bill permits DCF to contract with a W-2 agency, child care resource and referral agency, or other agency to certify child care providers in a particular geographic area or for a particular Indian tribal unit for purposes of reimbursement under the W-2 program.

WISCONSIN WORKS

The Wisconsin Works (W-2) program under current law, which is administered by DCF, provides work experience and benefits for low-income custodial parents who are at least 18 years old. Also, an individual who is the parent of a child under the age of 13 or, if the child is disabled, under the age of 19, may receive a child care subsidy under W-2 if the individual needs child care services to participate in various educational or work activities and satisfies other eligibility criteria. Under current law, W-2 agencies determine an individual's eligibility for a child care subsidy and then refer the individual to a county department of social services or

human services (county department) for locally administering child care assistance, including determining the amount of the copayment the individual must pay, providing a voucher for payment of child care services, and assisting individuals to identify child care providers and select appropriate child care arrangements. The bill authorizes DCF to contract with a county department, W-2 agency, child care resource and referral agency, or other agency to determine eligibility of individuals residing in a particular geographic region or who are members of a particular Indian tribal unit for a child care subsidy and to administer child care assistance at the local level. Current law also provides that the cost to administer the program may not exceed the greatest of 5 percent of the total distributed in the current year for child care services, 5 percent of the total distributed in the previous year for child care services, or \$20,000. The bill modifies this so that the department must allocate at least \$20,000 per year to each contract for administrative responsibilities for each geographic region or Indian tribal unit.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 46.215 (1) (p) of the statutes is amended to read:

2 46.215 (1) (p) To ~~establish and administer the child care program under s.~~
3 49.155, if the department of children and families contracts with the county
4 department of social services to do so.

5 **SECTION 2.** 46.22 (1) (b) 2. fm. of the statutes is amended to read:

6 46.22 (1) (b) 2. fm. To ~~establish and administer the child care program under~~
7 s. 49.155, if the department of children and families contracts with the county
8 department of social services to do so.

9 **SECTION 3.** 48.651 (1) (intro.) of the statutes is amended to read:

10 48.651 (1) (intro.) ~~Each county department shall certify~~ No person, other than
11 a day care center licensed under s. 48.65 or established or contracted for under s.
12 120.13 (14), may receive reimbursement for providing child care services for an
13 individual who is determined eligible for a child care subsidy under s. 49.155 unless

1 the person is certified, according to the standards adopted by the department under
2 s. 49.155 (1d), ~~each day care provider reimbursed for child care services provided to~~
3 ~~families determined eligible under s. 49.155, unless the provider is a day care center~~
4 ~~licensed under s. 48.65 or is established or contracted for under s. 120.13 (14). Each~~
5 ~~county may charge a fee to cover the costs of certification by a county department or~~
6 ~~an agency with which the department contracts under sub. (2).~~ To be certified under
7 this section, a person must meet the minimum requirements for certification
8 established by the department under s. 49.155 (1d), meet the requirements specified
9 in s. 48.685, and pay the fee specified in this section. ~~The county~~ sub. (2). A county
10 department or agency contracted with under sub. (2) shall certify the following
11 categories of day care providers:

12 **SECTION 4.** 48.651 (1) (a) of the statutes is amended to read:

13 48.651 (1) (a) Level I certified family day care providers, as established by the
14 department under s. 49.155 (1d). No county or agency contracted with under sub.
15 (2) may certify a provider under this paragraph if the provider is a relative of all of
16 the children for whom he or she provides care.

17 **SECTION 5.** 48.651 (2) of the statutes is created to read:

18 48.651 (2) A county department shall certify day care providers under sub. (1)
19 or the department may contract with a Wisconsin Works agency, as defined in s.
20 49.001 (9), child care resource and referral agency, or other agency to certify day care
21 providers under sub. (1) in a particular geographic area or for a particular Indian
22 tribal unit. A county department that certifies day care providers under sub. (1) may
23 charge a fee to cover the costs of certifying those providers. An agency contracted
24 with under this subsection may charge a fee specified by the department to

1 supplement the amount provided by the department under the contract for certifying
2 day care providers.

3 **SECTION 6.** 48.651 (2m) of the statutes is amended to read:

4 48.651 (2m) Each county department or agency contracted with under sub. (2)
5 shall provide the department of health services with information about each person
6 who is denied certification for a reason specified in s. 48.685 (4m) (a) 1. to 5.

7 **SECTION 7.** 48.685 (4m) (a) (intro.) of the statutes is amended to read:

8 48.685 (4m) (a) (intro.) Notwithstanding s. 111.335, and except as provided in
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10 license of, a person to operate an entity, a county department or agency contracted
11 with under s. 48.651 (2) may not certify a day care provider under s. 48.651, a county
12 department or a child welfare agency may not license, or renew the license of, a foster
13 home or treatment foster home under s. 48.62, and a school board may not contract
14 with a person under s. 120.13 (14), if the department, county department, contracted
15 agency, child welfare agency, or school board knows or should have known any of the
16 following:

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20 department or agency contracted with under s. 48.651 (2) may certify a day care
21 provider under s. 48.651, and a school board may contract with a person under s.
22 120.13 (14), conditioned on the receipt of the information specified in sub. (2) (am)
23 indicating that the person is not ineligible to be licensed, certified or contracted with
24 for a reason specified in par. (a) 1. to 5.

25 **SECTION 9.** 48.685 (5) (a) of the statutes is amended to read:

1 48.685 (5) (a) Subject to par. (bm), the department may license to operate an
2 entity, a county department or agency contracted with under s. 48.651 (2) may certify
3 under s. 48.651, a county department or a child welfare agency may license under
4 s. 48.62, and a school board may contract with under s. 120.13 (14) a person who
5 otherwise may not be licensed, certified, or contracted with for a reason specified in
6 sub. (4m) (a) 1. to 5., and an entity may employ, contract with, or permit to reside at
7 the entity a person who otherwise may not be employed, contracted with, or
8 permitted to reside at the entity for a reason specified in sub. (4m) (b) 1. to 5., if the
9 person demonstrates to the department, the county department, the contracted
10 agency, the child welfare agency, or the school board or, in the case of an entity that
11 is located within the boundaries of a reservation, to the person or body designated
12 by the tribe under sub. (5d) (a) 3., by clear and convincing evidence and in accordance
13 with procedures established by the department by rule or by the tribe that he or she
14 has been rehabilitated.

15 **SECTION 10.** 48.685 (5m) of the statutes is amended to read:

16 48.685 (5m) Notwithstanding s. 111.335, the department may refuse to license
17 a person to operate an entity, a county department or a child welfare agency may
18 refuse to license a foster home or treatment foster home under s. 48.62, and an entity
19 may refuse to employ or contract with a caregiver or permit a nonclient resident to
20 reside at the entity if the person has been convicted of an offense that is not a serious
21 crime, but that is, in the estimation of the department, county department, child
22 welfare agency, or entity, substantially related to the care of a client.
23 Notwithstanding s. 111.335, the department may refuse to license a person to
24 operate a day care center, a county department or agency contracted with under s.
25 48.651 (2) may refuse to certify a day care provider under s. 48.651, a school board

1 may refuse to contract with a person under s. 120.13 (14), a day care center that is
2 licensed under s. 48.65 or established or contracted for under s. 120.13 (14), and a
3 day care provider that is certified under s. 48.651 may refuse to employ or contract
4 with a caregiver or permit a nonclient resident to reside at the day care center or day
5 care provider if the person has been convicted of or adjudicated delinquent on or after
6 his or her 12th birthday for an offense that is not a serious crime, but that is, in the
7 estimation of the department, county department, contracted agency, school board,
8 day care center, or day care provider, substantially related to the care of a client.

9 **SECTION 11.** 48.685 (6) (a) of the statutes is amended to read:

10 48.685 **(6)** (a) The department shall require any person who applies for
11 issuance, continuation, or renewal of a license to operate an entity, a county
12 department or agency contracted with under s. 48.651 (2) shall require any day care
13 provider who applies for initial certification under s. 48.651 or for renewal of that
14 certification, a county department or a child welfare agency shall require any person
15 who applies for issuance or renewal of a license to operate a foster home or treatment
16 foster home under s. 48.62, and a school board shall require any person who proposes
17 to contract with the school board under s. 120.13 (14) or to renew a contract under
18 that subsection, to complete a background information form that is provided by the
19 department.

20 **SECTION 12.** 49.143 (2) (em) of the statutes is amended to read:

21 49.143 **(2)** (em) Determine eligibility for and administer child care assistance
22 under s. 49.155 ~~and refer eligible families to county departments under s. 46.215,~~
23 ~~46.22 or 46.23 for child care services, if the department contracts with the Wisconsin~~
24 Works agency to do so.

25 **SECTION 13.** 49.155 (1) (ah) of the statutes is created to read:

1 49.155 (1) (ah) "County department or agency" means a county department
2 under s. 46.215, 46.22, or 46.23 or a Wisconsin Works agency, child care resource and
3 referral agency, or other agency.

4 **SECTION 14.** 49.155 (1m) (intro.) of the statutes is amended to read:

5 49.155 (1m) ELIGIBILITY. (intro.) ~~A Wisconsin works agency shall determine~~
6 ~~eligibility for a~~ The department shall contract with a county department or agency
7 to determine the eligibility of individuals residing in a particular geographic region
8 or who are members of a particular Indian tribal unit for child care subsidy subsidies
9 under this section. Under this section, an individual may receive a subsidy for child
10 care for a child who has not attained the age of 13 or, if the child is disabled, who has
11 not attained the age of 19, if the individual meets all of the following conditions:

12 **SECTION 15.** 49.155 (1m) (c) 1. (intro.) of the statutes is amended to read:

13 49.155 (1m) (c) 1. (intro.) Except as provided in subds. 1g., 1h., 1m., 2., and 3.,
14 the gross income of the individual's family is at or below 185% of the poverty line for
15 a family the size of the individual's family or, for an individual who is already
16 receiving a child care subsidy under this section, the gross income of the individual's
17 family is at or below 200% of the poverty line for a family the size of the individual's
18 family. In calculating the gross income of the family, the ~~Wisconsin works agency~~
19 county department or agency determining eligibility shall include income described
20 under s. 49.145 (3) (b) 1. and 3., except that, in calculating farm and self-employment
21 income, the ~~Wisconsin works agency~~ county department or agency determining
22 eligibility shall include the sum of the following:

23 **SECTION 16.** 49.155 (1m) (c) 1g. of the statutes is amended to read:

24 49.155 (1m) (c) 1g. If the individual is a foster parent of the child or a subsidized
25 guardian or interim caretaker of the child under s. 48.62 (5), the child's biological or

1 adoptive family has a gross income that is at or below 200% of the poverty line. In
2 calculating the gross income of the child's biological or adoptive family, the Wisconsin
3 ~~works agency~~ county department or agency determining eligibility shall include
4 income described under s. 49.145 (3) (b) 1. and 3.

5 **SECTION 17.** 49.155 (1m) (c) 1h. of the statutes is amended to read:

6 49.155 (1m) (c) 1h. If the individual is a relative of the child, is providing care
7 for the child under a court order, and is receiving payments under s. 48.57 (3m) or
8 (3n) on behalf of the child, the child's biological or adoptive family has a gross income
9 that is at or below 200% of the poverty line. In calculating the gross income of the
10 child's biological or adoptive family, the Wisconsin ~~works agency~~ county department
11 or agency determining eligibility shall include income described under s. 49.145 (3)
12 (b) 1. and 3.

13 **SECTION 18.** 49.155 (3) of the statutes is repealed and recreated to read:

14 49.155 (3) CHILD CARE LOCAL ADMINISTRATION. The county department or agency
15 with which the department contracts under sub. (1m) to determine eligibility in a
16 particular geographic region or for a particular Indian tribal unit shall administer
17 child care assistance in that geographic region or for that tribal unit. In
18 administering child care assistance under this section, the county department or
19 agency shall do all of the following:

20 (a) Determine an individual's liability for copayments under sub. (5).

21 (b) Determine and authorize the amount of child care for which an individual
22 may receive a subsidy.

23 (c) Annually perform a survey of market child care rates, as directed by the
24 department, and determine maximum reimbursement rates, if the department so
25 directs.

1 (d) Assist individuals who are eligible for child care subsidies under this section
2 to identify available child care providers and select appropriate child care
3 arrangements.

4 (e) At intervals, or as otherwise required by the department, review and
5 redetermine the financial and nonfinancial eligibility of individuals receiving child
6 care subsidies under this section.

7 **SECTION 19.** 49.155 (3m) (b) of the statutes is repealed and recreated to read:

8 49.155 (3m) (b) 1. Subject to subds. 2. and 3., the department shall, to the
9 extent practicable, allocate funds to a contract entered into under sub. (1m) for the
10 administration of the program under sub. (3) in the same proportion as the
11 geographic region's or Indian tribal unit's proportionate share of all statewide
12 subsidy authorizations and eligibility redeterminations under sub. (3) (e) in the
13 12-month period before the start of the contract period.

14 2. The department shall allocate to each contract at least \$20,000 per year for
15 the administrative responsibilities for each geographic region or Indian tribal unit.

16 3. If the department renews a contract for a subsequent year, the department
17 shall allocate to the contract not less than 95 percent of the amount allocated to the
18 contract in the previous year, unless the geographic region or Indian tribal unit is not
19 comparable or total funding available for all contracts is lower than the total amount
20 available in the previous year.

21 4. Within any contract period, the department may redistribute unexpended
22 contract balances for a county department or agency to another county department
23 or agency that reports expenditures in excess of their original contract total for the
24 period.

25 **SECTION 20.** 253.15 (4) of the statutes is amended to read:

1 253.15 (4) TRAINING FOR DAY CARE PROVIDERS. Before an individual may obtain
2 a license to operate a day care center under s. 48.65 for the care and supervision of
3 children under 5 years of age or enter into a contract to provide a day care program
4 under s. 120.13 (14) for the care and supervision of children under 5 years of age, the
5 individual shall receive training relating to shaken baby syndrome and impacted
6 babies that is approved or provided by the department or that is provided by a
7 nonprofit organization arranged by the department to provide that training. Before
8 an individual may be certified under s. 48.651 as a day care provider of children
9 under 5 years of age, the individual shall receive training relating to shaken baby
10 syndrome and impacted babies that is approved or provided by the certifying county
11 department or agency contracted with under s. 48.651 (2) or that is provided by a
12 nonprofit organization arranged by that county department or contracted agency to
13 provide that training. Before an employee or volunteer of a day care center licensed
14 under s. 48.65, a day care provider certified under s. 48.651, or a day care program
15 established under s. 120.13 (14) may provide care and supervision for children under
16 5 years of age, the employee or volunteer shall receive training relating to shaken
17 baby syndrome and impacted babies that is approved or provided by the department
18 or the certifying county department or agency contracted with under s. 48.651 (2) or
19 that is provided by a nonprofit organization arranged by the department or that
20 county department or contracted agency to provide that training. The person
21 conducting the training shall provide to the individual receiving the training,
22 without cost to the individual, a copy of the written materials purchased or prepared
23 under sub. (2), a presentation of the audiovisual materials purchased or prepared
24 under sub. (2), and an oral explanation of those written and audiovisual materials.

(END)



DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1389/1dn

PJK:/:....

gjs

Sarah:

This redraft removes the treatment of s. 49.155 (1m) (c) 1. (intro.), 1g., and 1h. to reconcile LRB-1193 and LRB-1389. Those treatments are incorporated into LRB-1193. Both of these drafts should continue to appear in the compiled bill.

Pamela J. Kahler
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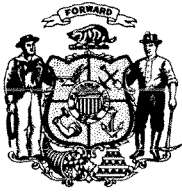
**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1389/1dn
PJK:cjs:rs

Sarah:

This redraft removes the treatment of s. 49.155 (1m) (c) 1. (intro.), 1g., and 1h. to reconcile LRB-1193 and LRB-1389. Those treatments are incorporated into LRB-1193. Both of these drafts should continue to appear in the compiled bill.

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State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1389/1
PJK&GMM:cjs&kjfrs

DOA:.....Grimsrud, BB0363 - Wisconsin Shares local administration
FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, a child care provider, other than a day care center licensed by DCF or established or contracted by a school board, must be certified by a county department of human services or social services before the child care provider may receive reimbursement for child care services provided to a family that is eligible for a child care subsidy under the Wisconsin Works (W-2) program. This bill permits DCF to contract with a W-2 agency, child care resource and referral agency, or other agency to certify child care providers in a particular geographic area or for a particular Indian tribal unit for purposes of reimbursement under the W-2 program.

WISCONSIN WORKS

The Wisconsin Works (W-2) program under current law, which is administered by DCF, provides work experience and benefits for low-income custodial parents who are at least 18 years old. Also, an individual who is the parent of a child under the age of 13 or, if the child is disabled, under the age of 19, may receive a child care subsidy under W-2 if the individual needs child care services to participate in various educational or work activities and satisfies other eligibility criteria. Under current law, W-2 agencies determine an individual's eligibility for a child care subsidy and then refer the individual to a county department of social services or

human services (county department) for locally administering child care assistance, including determining the amount of the copayment the individual must pay, providing a voucher for payment of child care services, and assisting individuals to identify child care providers and select appropriate child care arrangements. The bill authorizes DCF to contract with a county department, W-2 agency, child care resource and referral agency, or other agency to determine eligibility of individuals residing in a particular geographic region or who are members of a particular Indian tribal unit for a child care subsidy and to administer child care assistance at the local level. Current law also provides that the cost to administer the program may not exceed the greatest of 5 percent of the total distributed in the current year for child care services, 5 percent of the total distributed in the previous year for child care services, or \$20,000. The bill modifies this so that the department must allocate at least \$20,000 per year to each contract for administrative responsibilities for each geographic region or Indian tribal unit.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 46.215 (1) (p) of the statutes is amended to read:

2 46.215 (1) (p) To ~~establish and administer the child care program under s.~~
3 49.155, if the department of children and families contracts with the county
4 department of social services to do so.

5 **SECTION 2.** 46.22 (1) (b) 2. fm. of the statutes is amended to read:

6 46.22 (1) (b) 2. fm. To ~~establish and administer the child care program under~~
7 s. 49.155, if the department of children and families contracts with the county
8 department of social services to do so.

9 **SECTION 3.** 48.651 (1) (intro.) of the statutes is amended to read:

10 48.651 (1) (intro.) ~~Each county department shall certify~~ No person, other than
11 a day care center licensed under s. 48.65 or established or contracted for under s.
12 120.13 (14), may receive reimbursement for providing child care services for an
13 individual who is determined eligible for a child care subsidy under s. 49.155 unless

1 the person is certified, according to the standards adopted by the department under
2 s. 49.155 (1d), ~~each day care provider reimbursed for child care services provided to~~
3 ~~families determined eligible under s. 49.155, unless the provider is a day care center~~
4 ~~licensed under s. 48.65 or is established or contracted for under s. 120.13 (14). Each~~
5 ~~county may charge a fee to cover the costs of certification by a county department or~~
6 ~~an agency with which the department contracts under sub. (2).~~ To be certified under
7 this section, a person must meet the minimum requirements for certification
8 established by the department under s. 49.155 (1d), meet the requirements specified
9 in s. 48.685, and pay the fee specified in this section. ~~The county sub. (2). A county~~
10 ~~department or agency contracted with under sub. (2)~~ shall certify the following
11 categories of day care providers:

12 **SECTION 4.** 48.651 (1) (a) of the statutes is amended to read:

13 48.651 (1) (a) Level I certified family day care providers, as established by the
14 department under s. 49.155 (1d). No county or agency contracted with under sub.
15 (2) may certify a provider under this paragraph if the provider is a relative of all of
16 the children for whom he or she provides care.

17 **SECTION 5.** 48.651 (2) of the statutes is created to read:

18 48.651 (2) A county department shall certify day care providers under sub. (1)
19 or the department may contract with a Wisconsin Works agency, as defined in s.
20 49.001 (9), child care resource and referral agency, or other agency to certify day care
21 providers under sub. (1) in a particular geographic area or for a particular Indian
22 tribal unit. A county department that certifies day care providers under sub. (1) may
23 charge a fee to cover the costs of certifying those providers. An agency contracted
24 with under this subsection may charge a fee specified by the department to

1 supplement the amount provided by the department under the contract for certifying
2 day care providers.

3 **SECTION 6.** 48.651 (2m) of the statutes is amended to read:

4 48.651 **(2m)** Each county department or agency contracted with under sub. (2)
5 shall provide the department of health services with information about each person
6 who is denied certification for a reason specified in s. 48.685 (4m) (a) 1. to 5.

7 **SECTION 7.** 48.685 (4m) (a) (intro.) of the statutes is amended to read:

8 48.685 **(4m)** (a) (intro.) Notwithstanding s. 111.335, and except as provided in
9 par. (ad) and sub. (5), the department may not license, or continue or renew the
10 license of, a person to operate an entity, a county department or agency contracted
11 with under s. 48.651 (2) may not certify a day care provider under s. 48.651, a county
12 department or a child welfare agency may not license, or renew the license of, a foster
13 home or treatment foster home under s. 48.62, and a school board may not contract
14 with a person under s. 120.13 (14), if the department, county department, contracted
15 agency, child welfare agency, or school board knows or should have known any of the
16 following:

17 **SECTION 8.** 48.685 (4m) (ad) of the statutes is amended to read:

18 48.685 **(4m)** (ad) The department, a county department, or a child welfare
19 agency may license a foster home or treatment foster home under s. 48.62, a county
20 department or agency contracted with under s. 48.651 (2) may certify a day care
21 provider under s. 48.651, and a school board may contract with a person under s.
22 120.13 (14), conditioned on the receipt of the information specified in sub. (2) (am)
23 indicating that the person is not ineligible to be licensed, certified or contracted with
24 for a reason specified in par. (a) 1. to 5.

25 **SECTION 9.** 48.685 (5) (a) of the statutes is amended to read:

1 48.685 (5) (a) Subject to par. (bm), the department may license to operate an
2 entity, a county department or agency contracted with under s. 48.651 (2) may certify
3 under s. 48.651, a county department or a child welfare agency may license under
4 s. 48.62, and a school board may contract with under s. 120.13 (14) a person who
5 otherwise may not be licensed, certified, or contracted with for a reason specified in
6 sub. (4m) (a) 1. to 5., and an entity may employ, contract with, or permit to reside at
7 the entity a person who otherwise may not be employed, contracted with, or
8 permitted to reside at the entity for a reason specified in sub. (4m) (b) 1. to 5., if the
9 person demonstrates to the department, the county department, the contracted
10 agency, the child welfare agency, or the school board or, in the case of an entity that
11 is located within the boundaries of a reservation, to the person or body designated
12 by the tribe under sub. (5d) (a) 3., by clear and convincing evidence and in accordance
13 with procedures established by the department by rule or by the tribe that he or she
14 has been rehabilitated.

15 **SECTION 10.** 48.685 (5m) of the statutes is amended to read:

16 48.685 (5m) Notwithstanding s. 111.335, the department may refuse to license
17 a person to operate an entity, a county department or a child welfare agency may
18 refuse to license a foster home or treatment foster home under s. 48.62, and an entity
19 may refuse to employ or contract with a caregiver or permit a nonclient resident to
20 reside at the entity if the person has been convicted of an offense that is not a serious
21 crime, but that is, in the estimation of the department, county department, child
22 welfare agency, or entity, substantially related to the care of a client.
23 Notwithstanding s. 111.335, the department may refuse to license a person to
24 operate a day care center, a county department or agency contracted with under s.
25 48.651 (2) may refuse to certify a day care provider under s. 48.651, a school board

1 may refuse to contract with a person under s. 120.13 (14), a day care center that is
2 licensed under s. 48.65 or established or contracted for under s. 120.13 (14), and a
3 day care provider that is certified under s. 48.651 may refuse to employ or contract
4 with a caregiver or permit a nonclient resident to reside at the day care center or day
5 care provider if the person has been convicted of or adjudicated delinquent on or after
6 his or her 12th birthday for an offense that is not a serious crime, but that is, in the
7 estimation of the department, county department, contracted agency, school board,
8 day care center, or day care provider, substantially related to the care of a client.

9 **SECTION 11.** 48.685 (6) (a) of the statutes is amended to read:

10 48.685 (6) (a) The department shall require any person who applies for
11 issuance, continuation, or renewal of a license to operate an entity, a county
12 department or agency contracted with under s. 48.651 (2) shall require any day care
13 provider who applies for initial certification under s. 48.651 or for renewal of that
14 certification, a county department or a child welfare agency shall require any person
15 who applies for issuance or renewal of a license to operate a foster home or treatment
16 foster home under s. 48.62, and a school board shall require any person who proposes
17 to contract with the school board under s. 120.13 (14) or to renew a contract under
18 that subsection, to complete a background information form that is provided by the
19 department.

20 **SECTION 12.** 49.143 (2) (em) of the statutes is amended to read:

21 49.143 (2) (em) Determine eligibility for and administer child care assistance
22 under s. 49.155 and ~~refer eligible families to county departments under s. 46.215,~~
23 ~~46.22 or 46.23 for child care services, if the department contracts with the Wisconsin~~
24 Works agency to do so.

25 **SECTION 13.** 49.155 (1) (ah) of the statutes is created to read:

1 49.155 (1) (ah) "County department or agency" means a county department
2 under s. 46.215, 46.22, or 46.23 or a Wisconsin Works agency, child care resource and
3 referral agency, or other agency.

4 **SECTION 14.** 49.155 (1m) (intro.) of the statutes is amended to read:

5 49.155 (1m) ELIGIBILITY. (intro.) ~~A Wisconsin works agency shall determine~~
6 ~~eligibility for a~~ The department shall contract with a county department or agency
7 to determine the eligibility of individuals residing in a particular geographic region
8 or who are members of a particular Indian tribal unit for child care subsidy subsidies
9 under this section. Under this section, an individual may receive a subsidy for child
10 care for a child who has not attained the age of 13 or, if the child is disabled, who has
11 not attained the age of 19, if the individual meets all of the following conditions:

12 **SECTION 15.** 49.155 (3) of the statutes is repealed and recreated to read:

13 49.155 (3) CHILD CARE LOCAL ADMINISTRATION. The county department or agency
14 with which the department contracts under sub. (1m) to determine eligibility in a
15 particular geographic region or for a particular Indian tribal unit shall administer
16 child care assistance in that geographic region or for that tribal unit. In
17 administering child care assistance under this section, the county department or
18 agency shall do all of the following:

19 (a) Determine an individual's liability for copayments under sub. (5).

20 (b) Determine and authorize the amount of child care for which an individual
21 may receive a subsidy.

22 (c) Annually perform a survey of market child care rates, as directed by the
23 department, and determine maximum reimbursement rates, if the department so
24 directs.

1 (d) Assist individuals who are eligible for child care subsidies under this section
2 to identify available child care providers and select appropriate child care
3 arrangements.

4 (e) At intervals, or as otherwise required by the department, review and
5 redetermine the financial and nonfinancial eligibility of individuals receiving child
6 care subsidies under this section.

7 **SECTION 16.** 49.155 (3m) (b) of the statutes is repealed and recreated to read:

8 49.155 (3m) (b) 1. Subject to subds. 2. and 3., the department shall, to the
9 extent practicable, allocate funds to a contract entered into under sub. (1m) for the
10 administration of the program under sub. (3) in the same proportion as the
11 geographic region's or Indian tribal unit's proportionate share of all statewide
12 subsidy authorizations and eligibility redeterminations under sub. (3) (e) in the
13 12-month period before the start of the contract period.

14 2. The department shall allocate to each contract at least \$20,000 per year for
15 the administrative responsibilities for each geographic region or Indian tribal unit.

16 3. If the department renews a contract for a subsequent year, the department
17 shall allocate to the contract not less than 95 percent of the amount allocated to the
18 contract in the previous year, unless the geographic region or Indian tribal unit is not
19 comparable or total funding available for all contracts is lower than the total amount
20 available in the previous year.

21 4. Within any contract period, the department may redistribute unexpended
22 contract balances for a county department or agency to another county department
23 or agency that reports expenditures in excess of their original contract total for the
24 period.

25 **SECTION 17.** 253.15 (4) of the statutes is amended to read:

253.15 (4) TRAINING FOR DAY CARE PROVIDERS. Before an individual may obtain a license to operate a day care center under s. 48.65 for the care and supervision of children under 5 years of age or enter into a contract to provide a day care program under s. 120.13 (14) for the care and supervision of children under 5 years of age, the individual shall receive training relating to shaken baby syndrome and impacted babies that is approved or provided by the department or that is provided by a nonprofit organization arranged by the department to provide that training. Before an individual may be certified under s. 48.651 as a day care provider of children under 5 years of age, the individual shall receive training relating to shaken baby syndrome and impacted babies that is approved or provided by the certifying county department or agency contracted with under s. 48.651 (2) or that is provided by a nonprofit organization arranged by that county department or contracted agency to provide that training. Before an employee or volunteer of a day care center licensed under s. 48.65, a day care provider certified under s. 48.651, or a day care program established under s. 120.13 (14) may provide care and supervision for children under 5 years of age, the employee or volunteer shall receive training relating to shaken baby syndrome and impacted babies that is approved or provided by the department or the certifying county department or agency contracted with under s. 48.651 (2) or that is provided by a nonprofit organization arranged by the department or that county department or contracted agency to provide that training. The person conducting the training shall provide to the individual receiving the training, without cost to the individual, a copy of the written materials purchased or prepared under sub. (2), a presentation of the audiovisual materials purchased or prepared under sub. (2), and an oral explanation of those written and audiovisual materials.

(END)